

# OREGON STATE BOARD OF GEOLOGIST EXAMINERS

## MEETING MINUTES

JUNE 2, 2016

### Members Present

Peter Stroud, RG/CEG, Chair  
Kenneth Thiessen, RG/CEG, Vice Chair  
Scott Burns, PhD, RG/CEG  
Hans Feige, RG  
Stephen Tucker, Public Member  
Brad Avy, State Geologist\*

### Staff Present

Christine Valentine, Administrator

### Others Present\*\*

Portland State University (PSU) Geology Dept. Students & Faculty

(\*Ex Officio member, did not vote on motions. \*\* Participation as noted in minutes.)

Location: PSU Geology Dept., Cramer Hall, Rooms 68 & 69, @ 1721 SW Broadway, Portland, OR 97201.

### Welcome/Introductions

Chair Stroud called the meeting to order at 9:03 AM. All Board members and Administrator Valentine were present. No one else was present at this time.

### Meeting Agenda Review

Chair Stroud led a review of the agenda. Feige noted an additional item for New Business related to a recent inquiry received from a registrant regarding practice of geology vs. hydrogeology in Washington State. Valentine said she also had a few other informational items for new business. The lunch presentation for students and faculty was confirmed as starting at noon.

Chair Stroud mentioned that guests from the Oregon Department of Environmental Quality (DEQ) were scheduled to join the Board at 2:30 PM. He summarized the Board's Dec. 8, 2015 correspondence to DEQ management and interest in participating in DEQ's annual technical forum. Board members briefly discussed this past outreach.

### Minutes

Chair Stroud noted there had been some changes in how meeting minutes were prepared based on revised guidance related to meeting management. He asked Board members for feedback on the approach of not circulating minutes prior to sending the meeting packets. All said the new process was acceptable.

Chair Stroud presented the March 10, 2016 public session and executive session minutes for review. Vice Chair Thiessen requested a few typographical revisions to the public session minutes, which Valentine noted for the record. There were no comments on the executive session minutes.

*Burns moved to approve the March 10, 2016 public and executive session meeting minutes with revisions noted by Vice Chair Thiessen for the public session minutes. Feige seconded the motion. Chair Stroud verified that there was no further discussion and called the vote. All approved the motion.*

### **Application Review Report & Consent Agenda Items**

Feige presented the application review report, noting that all applications considered in the quarter were ultimately approved. He mentioned working through issues regarding applicant work experience in a few instances. Vice Chair Thiessen asked about the staff notes on one of the application summary sheets. Valentine explained that this application initially raised some questions about work experience, which is reflected in the staff notes. But additional information was obtained from the applicant for review, and the application was ultimately deemed sufficient.

Chair Stroud asked Valentine about the legal billing schedule. She said it is a monthly bill. There were no other questions on the payments log.

*Feige moved to approve the consent agenda. Vice Chair Thiessen seconded the motion. Chair Stroud clarified that the motion was to approve exam and registration approvals issued Feb. 20, 2016 through May 15, 2016, debit payments dated Feb. 29, 2016 through May 2, 2016, and checks # 4033 through 4063. Hearing no comments, he called the vote, and all approved the motion.*

### **Administrator Report**

➤ Narrative Report: Valentine briefly addressed two items from the report. First, she updated the Board on the online renewal project, reporting that the project was progressing with tests underway on data exporting and importing to the system. Staff was also working with the Board's bank to ensure there would not be any issues with receiving deposits direct to the bank account via the online renewal system. She noted that later in the agenda the Board would be asked to consider some modest but important rule updates to support online renewal while also addressing long-standing inconsistencies in registrant data on file with the Board. Second, she informed the Board that its tenant was vacating the office in mid-June. The sublease brought in \$200 per month (\$100 per board) to offset the cost of office rent. Options were being evaluated.

Burns noted the mention of fall exams in the report and said that he would plan to proctor the Sept. 30 exams with staff.

Vice Chair Thiessen commented on the legislative section of the report, specifically the update on activities related to the Supreme Court decision involving the North Carolina dental board. There was brief discussion of issues arising on the national stage as an outcome of this decision. Valentine reported that the Federation of Associations of Regulatory Boards (FARB) initiated a multi-profession coalition seeking federal legislative action to extend existing federal antitrust protections currently offered under the Local Government Antitrust Act to state licensing boards. Apparently, the FARB coalition is concerned about the fallout from the decision such as new lawsuits, new disincentives to board service, and some momentum for state legislative or executive actions to reduce the traditional independence of state boards to render final regulatory decisions.

Burns mentioned that the Accreditation Board for Engineering and Technology (ABET) is doing its first evaluation for accreditation of a geology program. The program is at the University of

Arkansas. This related to discussion the Board had at the March 10, 2016 about ABET interest in geology program accreditation.

➤ Operational Policies – Revisions: Valentine presented proposed revisions to the Board’s operational policies. Various updates were recommended to the Board to incorporate clarifications related to the public meetings law, coordinator roles, and other matters. Board members discussed various issues such as meeting minutes review, compliance coordinator role, stipend policy, and relation of certain updates to potential rule amendments.

Burns left at 9:45 AM to attend to non-board business and did not return until 11:45 PM.

*Feige moved to approve the revisions to the operational policies as presented by staff. Tucker seconded the motion. Chair Stroud asked if there was any further discussion. Hearing none, he called the vote, and all present approved. (Burns was absent.)*

➤ Quarterly Budget Report: Valentine presented the quarterly budget report and noted that so far there were no big budget surprises in the biennium. The budget report covered actuals vs. budgeted revenues and expenses through May 15, 2016. Even though May is a big renewal month and was not fully reflected in the actuals, the quarterly report provided the Board with a good sense of where things stood for year 1 of the biennium.

Valentine explained that staff would review and compare the budget to actuals after the June 30 close of the fiscal year and as part of this review would specifically look at actual personnel services costs compared to budgeted costs. The anticipated outcome will be a determination of whether the current monthly administration payment continues to be the appropriate amount going forward. The analysis results will be shared with the OSBGE Budget Committee in July. The Oregon State Landscape Architect Board (OSLAB) and OSBGE will be notified at their August and September meetings, respectively, if it looks like any adjustments need to be made in the monthly payments.

The Board reviewed a fee history prepared by staff to serve as a reference document. Valentine noted that fees would be considered as part of the budget development process for 2017-2019. She noted that the budget process needs to start this fall in order to facilitate adoption of the next biennium budget at the second quarterly meeting of 2017. The budget must be effective as of July 1, 2017.

There was a brief discussion about Board reserves and options for managing these assets.

➤ 5-Year Comparison of Renewals: The Board reviewed the data on renewals. Board members expressed interest in better understanding if there are trends in registration, for example changes tied to changing demographics. Ideas mentioned included comparison of registration across states and review of historical changes in size of university geology classes. Valentine was asked to check with the national Association of State Boards of Geology (ASBOG) on what type of data that organization may have in the way of examinee or registrant demographics.

➤ Update on Investments: Valentine provided a handout showing the latest information on Board certificate of deposit (CD) investments. One CD was recently closed with Edward Jones, with the funds transferred to the Board’s checking account at Pioneer Trust. Staff had started the process to open a CD at the bank with these funds. Valentine noted that the Board has one more CD held with Edward Jones maturing over the summer. Once the CD matures, the funds will be withdrawn

and the Edward Jones account closed. As with other CDs cashed out from Edward Jones, the funds will be used to open a CD with Pioneer Trust Bank. This would complete the reinvestment effort previously requested by the Board.

Chair Stroud called for a break at 10:40 am. He returned the Board to session at 10:52 am.

### **Correspondence**

➤ City of Salem – Clearing & Grading Ordinance: Chair Stroud and Valentine informed the Board about their review and response to the city of Salem’s proposed clearing and grading ordinance. This ordinance was proposed in addition to the city’s existing landslide ordinance. Stroud noted that the draft ordinance did not include Certified Engineering Geologists (CEGs) or geotechnical engineers as certified professionals that could prepare plans under the ordinance. He also mentioned that the ordinance prescribed clearing and grading standards as a way to limit where site review and permits would be required. The city did not accept a Board recommendation to require site review and permits more liberally, i.e., greater use of certified professionals to evaluate clearing and grading on a site-specific basis. The city did make revisions to add CEGs into the list of certified professionals. Valentine said an offer was made to meet with city staff regarding the ordinance or any other matters related to practice of geology. City staff mentioned some contemplation of reviewing the city’s landslide hazards ordinance and would appreciate technical assistance at that time. However, city staff said this review is not currently scheduled.

Board members discussed the topic of local outreach and expressed interest in developing materials that would provide technical assistance geared to local governments. This could include work done in collaboration with other organizations or agencies that work with public works and planning departments at the local government level. Valentine said she would discuss this idea further with Chair Stroud with more discussion anticipated at the next quarterly meeting.

### **Compliance Report**

Valentine provided an updated complaint case log and briefly reviewed the open cases. One of the open cases was ready for Board deliberation; the other cases were still actively being investigated.

➤ CC#15-10-001: Staff pursued the Board’s information request from the last quarterly meeting, with the result being that no independent review of the project issues had been or would be completed by DEQ. Valentine recapped her conversation with a DEQ representative about the Board’s request. Board members were disappointed that DEQ management had not addressed some of the technical disagreements that were highlighted by the parties involved in this case.

Board members discussed that the case presented technical disagreements between two registrants but not concerns with standards of practice. It was noted that disagreements between agency staff and consultants are not necessarily unusual but escalating those to a complaint was unusual. Ultimately, the Board felt that the important thing was for the registrants to find a way to work together so that this landfill was being well managed, with appropriate monitoring and the site well characterized. The Board did not identify any violations of statutes or rules and therefore talked about non-disciplinary options for closing this case.

*Vice Chair Thiessen moved to close CC#15-10-001 with a letter of dismissal and outreach letter with comments on groundwater characterization and public safety. He then further moved to not open a second case in relation to CC#15-10-001. Feige seconded the motions. Chair Stroud asked if there was any further discussion. Hearing none, he called the vote, and all present approved. (Burns was absent.)*

Chair Stroud and Vice Chair Thiessen volunteered to assist staff with the outreach letter for this case.

Burns returned to the meeting at 11:50 AM, which was just after Board discussion of and action on CC#15-10-001.

➤ CC#16-03-002: Valentine provided an update on this case, summarizing the investigator's efforts to collect information relevant to the investigation from the business owner. Information provided via the business owner's attorney includes more than twenty reports prepared for Oregon property owners for properties across Oregon from 2014 to present. Based on this information, the investigator has reported that the same registrant has worked with the business on all of these reports. Input from the registrant will be gathered to address questions about roles and responsibilities. The Board will be updated at the next quarterly meeting.

➤ CC#16-05-003: Valentine reported that a complaint was filed with the Board in late May against a registrant. The complainant is a retired engineer who alleges the registrant violated the Board's code of conduct rule in relation to work on a report addressing groundwater and streamflow issues in a central Oregon watershed. The investigator will assist with gathering relevant information. The Board will be updated at the next quarterly meeting.

### **Outreach Presentation**

Chair Stroud adjourned the Board to move to an adjacent room for the lunch and outreach presentation with PSU students and faculty. The Board was joined by a group of 23 made up of geology program students at undergraduate and graduate levels and geology program faculty. Burns led the presentation about registration requirements & role of the Board. This was followed by a question and answer session. In closing, Board members expressed their appreciation to the PSU Geology Department for helping to host the event. This event lasted from 12:00 to 1:00 PM.

At 1:10 PM, Chair Stroud reconvened the Board in room 68. All were pleased with the good turnout for the lunch and presentation. There was brief discussion about interest in enhancing future communications with university professors about exams and other information relevant to students. Burns volunteered to work with Valentine on a review and update of the university contacts list and to consider revised protocols for communications with those on this list.

### **Committee Reports**

➤ Rules Advisory Committee: Feige presented rule amendments for Board consideration and summarized outcomes from a May 20, 2016 rules committee meeting to discuss these proposed amendments. He reported that the committee made a few suggestions for minor clarifications but overall was supportive of the proposed changes. Chair Stroud asked about the process steps. Valentine clarified that the Board was being asked to consider whether to authorize issuance of rulemaking notice. She said public comments would be requested over the summer and brought back to the Board for review at the next quarterly meeting. The Board would not be adopting final rules until after the public review process was completed. Chair Stroud asked about counsel review, and Feige and Valentine addressed how counsel had been engaged to date. The Board then considered each rule in turn.

- *Complaint Investigations Rule (809-055-0000)*: The impetus for updating this rule was discussed by the Board at previous meetings. The primary goals are to reflect all paths to a complaint investigation in rule and to update various investigation procedures. Specifics about

the complaint coordinator role would also be removed as these are better suited to Board policy vs. rule.

- *Misc. Rule Updates – Renewals/Restorations (809 Division 15), Code of Conduct (809-020-0025), Fees (809-010-0001):* Valentine said these proposed revisions were not previously discussed with the Board. While there were various drivers, a primary one was to help facilitate the transition to online renewal processing via ensuring that the Board has more consistent contact information for registrants and redefining renewal date to not equal expiration date. Other goals were to cleanup inconsistent or poor use of terminology and for the fee rule to memorialize the Board’s long-standing practices around proration of registration fees for registrants changing registration types. One rule related to the geologist-in-training registration was proposed for deletion as it was not needed or otherwise adding value.

*Vice Chair Thiessen moved to issue rulemaking notice for public review of the following rules: complaint investigations, renewal and restoration rules, code of professional conduct rule, and fee rule. Burns seconded the motion. Chair Stroud asked if there was any discussion. Hearing none, he called the vote, and all approved.*

- *5 Year Reviews:* Feige presented two rules that required 5 year reviews along with draft analyses for the Board’s consideration. Valentine explained that an agency is required to review any newly adopted rule within 5 years of rule adoption. This requirement does not apply to amended rules. The two rules subject to 5 year review were Signature (809-050-0005) and Reissuance of Revoked Registration (809-015-0020). The Board reviewed the draft analyses and had no disagreements with the findings.

*Burns moved to approve the analyses for the 5 year reviews. Tucker seconded the motion. Hearing no further discussion, Chair Stroud called the vote, and all approved.*

Staff was tasked with sharing the approved analyses with the rules committee, either at a future meeting or via email distribution.

- Joint Compliance Committee (JCC): Chair Stroud provided a verbal summary of the outcomes from the May 5, 2016 JCC meeting. The JCC wrapped up its consideration of correspondence and a related CEG report upon receipt of clear evidence showing collaboration between the CEG and a Professional Engineer (PE).

The JCC also reviewed its past work and a decision by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) in relation to a complaint filed with OSBEELS regarding the expansion of a landfill in Yamhill County. OSBEELS staff and Board members provided further explanation of why the complaint filed against a PE working at DEQ was deemed not within OSBEEL jurisdiction. The key was a determination that the DEQ PE was not the design professional responsible for the project engineering. Rydell, an opponent of the landfill expansion and individual who filed the subject complaint with OSBEELS, filed written comments with the JCC and also made public comments at the meeting. The JCC was also provided with written public comments from a citizens group opposing the landfill expansion. Chair Stroud explained that the written comments included a report by a geotechnical firm out of California that raised some questions about the landfill expansion design. OSBEELS had not previously received this particular report and was going to look at this new information through its committee process. Burns commented that there must be someone with professional responsibility for saying it is OK

to have a landfill in a floodplain, especially considering this is, generally speaking, not considered an acceptable practice anymore.

Board members briefly discussed how OSBGE and OSBEELS have different approaches to determining what constitutes public practice and establishing associated stamping and signing protocols for those practicing. OSBEELS focuses on the engineer of record, not those reviewing plans for permit review. OSBGE's position over the years has been that a reviewer can cross into public practice depending on what type of work is done as part of a review, i.e., is it more than a ministerial review.

Chair Stroud presented a minor revision to the memorandum of understanding (MOU) with OSBEELS and explained the JCC decision to pursue this revision related to alternates making motions. He recommended Board approval.

*Burns moved to accept the recommended change in MOU language related to role of alternates. Feige seconded the motion. Hearing no further discussion, Chair Stroud called the vote, and all approved.*

➤ CEG Examination Committee: Vice Chair Thiessen noted that due to so few candidates for the exam it was not clear whether review of exam form B should proceed. This had been tentatively discussed as a possible effort for the joint examination committees after the review of exam form A was completed.

Vice Chair Thiessen wondered why there were not more candidates sitting for the OR-WA exam. This led to a discussion about possible barriers to the specialty registration. Burns reminded all that a large number of CEGs are located out of state, which likely limits opportunities for supervision under a CEG for those in Oregon. Also, he thought there were a large number of baby boomers or already retired individuals within the CEG ranks. He repeated his question from a previous meeting about whether the Board could determine that geotechnical engineers could supervise CEG candidates under certain conditions. He encouraged the Board to look into what might be possible in this regard and wondered if case-by-case reviews might be an option. There was agreement to look into this matter further. Direction was given to staff to discuss with counsel and obtain statutory language from the Washington and California geology boards for comparison purposes since these two boards are able to accept supervision under engineers. There was discussion about the need to ensure consistency and fairness in work experience evaluations. An idea was floated for a provisional program to test efficacy of any revisions but with the understanding that the Board would need to determine how to measure success of any revisions.

Valentine mentioned that the issue of when to complete a task analysis for the engineering geology exam continues to loom on the horizon. In addition to the question of when, she pointed out there is a question of how much to budget for this. OSBGE may need to work with the Washington board at some point on a request for proposals to determine how much to budget for a task analysis. This may be a topic for a joint meeting later in the year of the exam committees of the two boards.

Valentine updated the Board on the status of the exam database provider saying that the company has cut all ties with the two boards. The company provided the exam data last year upon request of the boards but had maintained a database interface where exam questions were organized and searchable. Washington board staff is looking at options for moving the exam data into some other computer program as the data is not currently in a format that is easy to work with.

➤ Legislative Committee: Valentine reported that the Arizona Legislature and Governor took action to dilute geologist registration in that state. While geologic practice will continue to be regulated in Arizona, the state will now allow for practice by unregulated “trained geologists” meeting certain criteria in addition to registered geologists. It is unclear how or if these “trained geologists” will be monitored. It appears it will be a “buyers beware” situation for Arizona consumers.

Since the Board talked about other legislative matters as part of the Administrator’s Report discussion, this concluded the committee report.

➤ Outreach Committee: The Board briefly recapped that the outreach event went well. It was also confirmed that the Board would look to visit the University of Oregon in spring of 2017.

### **Old Business**

➤ State Agency Outreach – Update/Emerging Issues: Valentine provided the following updates. No recent outreach had occurred with Oregon Water Resources Department representatives. The Board received an invitation to attend a Geo-Hydro Leadership team meeting on Nov. 1, 2016 at the Oregon Department of Transportation (ODOT). This meeting involves ODOT managers and is typically held every other month. The Board accepted the invitation, and Valentine was asked to work on logistics with ODOT staff.

Avy updated the Board on his communications with the Governor’s Natural Resources Office. He forwarded background information and talked with staff. They have a very busy schedule and so far he had not heard back. His understanding was that Governor’s Office staff was still considering the information he provided.

Avy also said he would work with the Board to schedule a summer meeting with the Department of Geology and Mineral Industries (DOGAMI). He anticipates that DOGAMI staff will have some questions for the Board about when registration is needed and why.

Chair Stroud called for a break at 2:27 pm. He reconvened the Board at 2:40 PM.

At this time, Bruce Gilles from DEQ headquarters and David Anderson, with DEQ’s Bend office, joined in the Board’s conversation about state agency outreach. Gilles was present in person, and Anderson participated by phone. Gilles and Anderson reviewed their current portfolios with DEQ. Chair Stroud then summarized the Board’s outreach effort with state agencies and how the Board is trying to carefully assess issues that arise in the public sector vis-a-vis registration requirements. Gilles noted that DEQ did not have objections about input provided by the Board to date on registration issues. He talked with other DEQ managers about the various issues in the Board’s December 8, 2015 letter. DEQ management understands that registrants have obligations under their licenses and must meet those. He said there is a balancing act for those folks between personal vs. DEQ responsibilities. He said protocol when a non-registered staff person has a question related to geologic work is to bring the matter to a registrant on staff for advice.

There was discussion of what rises to the level of a complaint filing vs. a matter to be addressed through communications between DEQ project managers and consultants. Chair Stroud mentioned that the Board is open to receiving referrals where there is some question about whether there is a potential violation. Gilles noted that sometimes issues must be addressed

quickly at DEQ such as for spill cleanup or shoring. In such cases, issue may not arise until after-the-fact.

Vice Chair Thiessen said the Board has realized that its rules were designed with the private sector in mind more so than public sector. This was one reason why the Board was conducting outreach before looking to make any rule changes or other updates to guidance.

Chair Stroud raised the topic of supervision for aspiring geologists. The Board is looking for active supervision by a registrant. Gilles agreed that DEQ needs to remain cognizant of this and said the agency does try to plan for these supervision needs. He mentioned that out of fifty technical specialists at the agency, his last count showed twenty-seven were registrants.

There was a brief discussion of ways to possibly include management in future outreach, rulemaking, etc. One idea was for the Board to pull together a list of appropriate state agency managers to have on a contact list.

Anderson inquired as to Board protocols for talking with a DEQ registrant or the registrant's supervisor when the registrant is the subject of a complaint. Valentine gave a brief overview of the standard investigation process which involves obtaining input from the person named in a complaint. She said it was not standard protocol to talk with a registrant's supervisor about a complaint investigation and that she would need to consult with counsel about possible legal issues. Since a complaint is not the same as a Board finding of violation, the Board needs to be careful to not give the wrong impression or identify violations prematurely in an investigation.

Vice Chair Thiessen stated that it would be nice to provide a refresher course about registration requirements to registrants on staff at DEQ. Since this was not selected as a topic for the DEQ technical forum, he wondered about other forums at the agency. Valentine mentioned that the Board traditionally has done outreach direct to registrants but recognizes there could be value in working with agency management in this regard. Gilles mentioned the possibility of setting up a PowerPoint with narration in the iLearn system, which is the state training system that the agency uses to provide desktop training to staff.

Chair Stroud thanked Gilles and Anderson for joining the Board for discussion before they departed. He then called for a break at 3:22 PM. He reconvened the Board at 3:32 PM.

Burns suggested that the Board look at whether other state geologist registration boards have any outreach materials, policies or rules designed to address practice in state agencies.

Vice Chair Thiessen mentioned that when the Board does outreach to state agencies, it needs to include all registrants and not just those that are required to hold registration as part of a job requirement by their respective agencies.

➤ Continuing Education – Update/Emerging Issues: Feige referred to the project schedule and presented documents for outreach with registrants. The documents were: revised purpose statement, revised concept rules, revised reporting log, new letter to registrants, and new research bibliography. He discussed the plan to send out the letter with the other documents attached and request comments by early September so that the Board could review comments at its next quarterly meeting on Sept. 16, 2016.

The Board discussed the question of how much information to provide at this stage. The Board does not want to give the impression that decisions have been made about how to proceed because no such decisions have been made. Board members saw pros and cons of sending too much or too little information. Feige mentioned that in his informal conversations with registrants, providing details seemed to help people understand continuing education and feel more comfortable about the Board's investigation. Avy offered that the package of information looked good to him. He thought there was a good balance of information while clearly indicating that the Board has not yet decided whether to proceed with a legislative effort.

Burns appreciated the information on state geologist licensing boards that require continuing education. He thought Kentucky, which was not listed, might also require continuing education for geologists. Feige and Valentine said they had not found a program for Kentucky but would double check. Burns then suggested that somewhere in the letter to registrants, the Board point out how many state geology boards have continuing education requirements.

Burns suggested that the Board allow for a longer comment period. His reasoning was that this would work best in terms of meeting schedules for professional organizations as they usually do not meet in the summer months. The Board agreed to push the comment deadline to October 31, 2016. The Board asked for an initial mailing in July with a reminder sent in Sept.

The Board discussed whether professional groups outside of Oregon should be on the distribution list. Burns thought there was a strong AEG group in the Seattle area and perhaps a board member could attend a meeting up there. Vice Chair Thiessen mentioned coordination with the Washington board and wondered if they were ahead of Oregon in pursuing continuing education. Valentine and Feige reported that their understanding was that the engineers in Washington tried to add continuing education and were defeated three times, which has made the geologist board hesitant to pursue continuing education at this time. There was discussion of how professional engineer groups might support a future effort in Oregon since engineers and geologists are peers.

Feige suggested that Board members think about how to ultimately decide in December on whether to move forward with a legislative effort. He said the Board will have to determine what will be the basis for this decision. For example, will it be the number of comments for or against, percentage of registrants objecting, or other factors? Valentine also recommended that the Board look for opportunities to dialogue with registrants that are particularly concerned about or opposed to continuing education as comments roll in. There may also be strong proponents of continuing education that emerge. Vice Chair Thiessen and Feige noted that the Board may need to gear up for information sharing with key legislators in the New Year.

Valentine said the project schedule needed some adjustments going forward based on what has been completed and dates agreed for outreach.

Vice Chair Thiessen asked for a final clarification about what would go out to registrants. Feige said it would be the whole packet of documents. Chair Stroud noted this would give registrants a more complete idea of what is proposed. Vice Chair Thiessen hoped that the Board would get lots of feedback and anticipated many registrants would have opinions on this topic.

The Board briefly looked over the draft rules and the types of implementation issues that rules must be designed to address.

*Feige moved to proceed with outreach to registrants about continuing education using the materials presented to the Board. Burns seconded the motion. Hearing agreement from others, Chair Stroud called the vote, and all approved.*

➤ ASBOG Fall Council of Examiners (COE)/Annual Meeting: None of the Board members were able to commit to attending the fall events. Valentine was asked to see if former Board member Orr planned to attend as he could serve as proxy for the Board.

Valentine said she would not be able to attend the ASBOG administrator's workshop due to a conflict with the Nov. 3, 2016 meeting of OSLAB. She contacted the ASBOG executive director to inquire about the opportunity for virtual participation.

Valentine noted that ASBOG has listed Portland, OR as the site for the 2017 fall COE and annual meeting. She inquired with the ASBOG executive director about expectations for Board involvement or coordination.

### **New Business**

➤ Fall Exam Administration: Exams administration will be on Friday Sept. 30. Burns reiterated his willingness to serve as proctor.

➤ ASBOG Nominations for Secretary: Valentine shared an email from ASBOG about the opportunity to run for secretary.

➤ Washington board registered geologist vs. hydrogeologist scope of practice: Feige explained that he was recently contacted by a registrant concerned about a recent decision by the Washington board about hydrogeology practice. Valentine provided a handout with information about the Washington board's policy viewpoint regarding the distinction between interpretation and observation/gathering of hydrogeologic data. Once a geologist crosses into interpretation of hydrogeologic data, then the Washington board considers the activity to be the practice of hydrogeology thereby requiring specialty registration in Washington. The hydrogeology specialty license is similar to the engineering geology specialty license in that a registrant cannot practice within the specialty field in Washington State without the additional registration. Board members appreciated the briefing and supported an idea by Feige and Valentine to request a guest article from the Washington board on this topic for inclusion in a future newsletter. The Board thought this information could benefit the registrants in Oregon that also work in Washington and may not understand the different registration requirements across the border. Chair Stroud also suggested inquiring with the Washington board about their descriptions of practice scopes for geologists, hydrogeologists, and engineering geologists.

Valentine shared additional updates regarding the Washington board. The board recently added two new board members. She also shared that the Washington board was apparently working on a guidance document for local governments, passing around a copy of the draft document. Board members were interested in whether there might be any opportunity for the two boards to collaborate on outreach materials for local governments.

Vice Chair Thiessen said he had one closing thought looping back to the state agency outreach discussion. He mentioned that he has heard that some registrants within state agencies feel that allowing the agency to pay for registration somehow makes the individual beholden to the agency. For this reason, some registrants decline having their agency pay for registration. Board members agreed that it would be good to understand this perception more and work with state agency

managers to dispel myths. It was noted that companies in the private sector routinely pay for employee registrations. Vice Chair Thiessen was concerned that this perception might also impact registrant willingness to file complaints with the Board.

**Public Comment**

Chair Stroud noted that there were no guests present.

**Announcements**

Avy reported as follow-up to his report from the March 10, 2016 meeting that DOGAMI received funding via the legislative emergency board to shore up IT security. He also mentioned that the question of where in the state system issues about seismic safety should be addressed arose in recent business continuity discussions at the state-level. He said he expects this will be an ongoing discussion and perhaps something that the Governor’s newly appointed Resilience Officer will become involved with.

**Adjournment**

Chair Stroud adjourned the Board at 4:41 PM.

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The minutes of the June 2, 2016 quarterly meeting were approved as presented at the Sept. 16, 2016 quarterly Board meeting.

Christine Valentine, Administrator